



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 31 2007

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Pamela J. Sherwood, Ph.D.
BOZICEVIC, FIELD & FRANCIS, LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

In re Application of :
Dedhar, S. : Decision on Petition
Serial No.: 09/998,250 :
Filed : 30 November 2001 :
Attorney Docket No.: KINE-001CIP5 :

This letter is in response to the Second Petition under 37 C.F.R. 1.144 filed on 7 August 2007 to requests reconsideration of the first petition decision mailed 6 June 2007. It is noted that applicants filed a Notice Of Appeal on 01 August 2006, prior to the filing of the first petition on 21 December 2006.

37 CFR 1.144 states in part, with emphasis added: "... Petition may be deferred until after final action on or allowance of claims to the invention elected, **but must be filed not later than appeal**....." (i.e., filing of the Notice of Appeal.)

Accordingly, because the first petition was filed after the Notice of Appeal, the petition filed is **DISMISSED** as untimely.

The application will be forwarded to the Examiner to consider the Appeal Brief filed 21 December 2006.

Should there be any questions regarding this decision, please Quality Assurance Specialist/Program Manager Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.

Bruce Kisliuk
Director, Technology Center 1600